

5/27/70

Memorandum 70-64

Subject: Research Consultant Contract for Eminent Domain Study

For a number of years, the Law Revision Commission has had a contract with the law firm of Hill, Farrer & Burrill to provide consultant service to the Commission at Commission meetings on the subject of eminent domain and--although this is not covered by the contract--inverse condemnation.

The contract provides that we pay the travel expenses of a member of the firm plus \$20 for each meeting day he attends at our request. This arrangement obviously reflects the fact that the service is being rendered primarily as a public service. The compensation and travel expense reimbursement was based on the amounts received by Commissioners.

The firm has indicated a willingness to continue with this arrangement.

The Commission originally set up this arrangement because there was a general feeling that representatives of various public agencies who attend the meetings provide adequate information concerning the impact of various choices under consideration on public agencies but that the Commission needed some advice concerning the impact of those choices on property owners. It was felt that the contract provided an appropriate means whereby information concerning the effect of various alternatives under consideration on property owners could be secured at the time those alternatives were being considered by the Commission.

The staff recommends that a new contract be made to continue this service until June 1, 1972, and that the amount encumbered to cover the cost of the service be limited to \$1,000 for the two years.

Respectfully submitted,

John H. DeMouilly
Executive Secretary

June 4, 1970

1970 LEGISLATIVE PROGRAM--LAW REVISION COMMISSION

Adopted or Enacted (8)

Bills (5)

- Ch. 41 (SB 266)(proof of foreign documents)
- Ch. 45 (AB 123)(rule against perpetuities)
- Ch. 69 (SB 129)(res ipsa loquitur)
- Ch. 89 (AB 171)(leases)
- Ch. 104 (AB 126)(public entity--statute of limitations)

Resolutions (3)

- Res. Ch. 45 (SCR 7)(inverse condemnation study)
- Res. Ch. 46 (SCR 8)(general authority to study topics)
- Res. Ch. 54 (SCR 6)(nonprofit corporation study)

Sent to Floor in Second House (2)

- AB 124 (quasi-community property)
- AB 125 (arbitration in eminent domain)

Passed First House (3)

- SB 90 (representations as to credit)(Assembly hearing on June 8)
- SB 91 (entry for survey)(not set for hearing)
- SB 98 (fictitious business names)(Assembly hearing on June 8)

Sent to Floor in First House (1)

- SB 94 (governmental liability)(approved by Senate Finance Committee after plan or design immunity section deleted)

In Fiscal Committee in First House (1)

- SB 92 (plan or design immunity)(to be set for hearing)

Defeated (1)

- SB 95 (general evidence bill)
This bill passed the Senate after two sections (psychotherapist-patient privilege) were deleted. The Assembly deleted two more sections (marital testimonial privilege), leaving only the res ipsa loquitur section which was approved in SB 129, making SB 95 unnecessary.